REMARKS

Applicants have thoroughly considered the Examiner's remarks in the November 27, 2007 Office action and have amended the application to more clearly set forth aspects of the invention. This Amendment A amends claims 1, 4, 7, 10-22, 26, 28, and 29. No new matter has been added.

Claims 1-29 are thus presented in the application for further examination. Reconsideration of the application as amended and in view of the following remarks is respectfully requested.

Drawings

Applicants request that the Examiner now have the drawings as originally filed reviewed and accepted.

Claim Rejections Under 35 U.S.C. § 101

Claims 10-21 and 29 stand rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claims 10-21 and 29 to recite "computer-readable **storage** medium". Paragraph 39 of the specification of the present application discloses "**computer readable media** comprise computer **storage** media and **communication media**." The application distinguishes storage media from communication media. For example, "**communication media** typically **embody computer readable instructions,** data structures, program modules, or other data **in a modulated data signal such as a carrier wave or other transport mechanism and include any information delivery media**" in contrast to "**computer storage media**[, which] include[s] **volatile and nonvolatile, removable and non-removable media implemented in any method or technology for storage of information such as computer readable instructions, data structures, program modules or other data**." Thus, storage media does not include communication media including data signals. Therefore, Applicants request that the Examiner withdraw the rejection.

Claim Rejections Under 35 U.S.C. § 112

Claims 4, 7, 21, and 22 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 4, the claim has been amended to recite "a delivery", correcting the antecedent basis problem identified by the Examiner. With respect to claim 7, the claim has been amended to recite a "longest length based on a size restriction of a display." With respect to claim 21, the claim has been amended to recite "the non-rendered content data includes a game identifier metadata". With respect to claim 22, the claim has been amended to recite "the computing devices", correcting the antecedent basis problem identified by the Examiner. Therefore, Applicants request that the Examiner withdraw the rejection to claims 4, 7, 21, and 22.

Claim Rejections Under 35 U.S.C. § 102

Claims 1, 6, 9-11, 15, 16, 18, 20, 21, 26, 27, and 29 stand rejected under 35 U.S.C § 102(e) as being anticipated by U.S Patent No. 6,708,217 to Colson et al. (hereinafter "Colson"). A claim is anticipated only if each and every element as set forth in the claim is disclosed, either expressly or inherently in a single prior art reference.[1] Applicants respectfully submit that each and every element as set forth in the recited claims is not found, either expressly or inherently in the Colson reference. Thus, Colson does not anticipate the claims.

Colson discloses a content registry for storing mappings between content types and renderers capable of processing a content type. The mappings permit Colson to locate an appropriate renderer. (Abstract). The document content corresponding to the content type is then distributed to the located renderer who in turn renders it to the user. (Abstract). However, the Colson reference is silent with regard to a user device performing an action based on **non-rendered** content data.

In contrast to the cited art, claim 1 as amended recites:

accessing a data packet representing the notification, said data packet having at least one content type attribute, said content type attribute having a content data attribute associated therewith storing **non-rendered** content data;

determining at least one characteristic of a user device based on a capability of the user device to process content data; and

selecting one of the content type attributes for processing by the user device based on the determined characteristic **wherein the user device executes an application, said application performing an action based on the non-rendered content data.**

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[1] M.P.E.P. § 2131. *See also Schering Corp. v. Geneva Pharmaceuticals*, 339 F.3d 1373, 1379 (Fed. Cir. 2003) (citing *Verdegaal Bros., Inc. v. Union Oil Co. of Cal.*, 814 F.2d 628, 631 (Fed. Cir. 1987)).

The content type "text/xml," for example, conveys information that is used by an application to take a specific action. But the content information is not rendered per se (e.g., non-rendered). (Page 6, paragraph 21). For example, the packet shown in Table 1 on pages 19-20 is used to connect players to an online game. Based on the "text/html" content type and the device hint "Email", an instant messaging and/or email endpoint will render a message prompting the user to click the message to come to the web page (http://teamup.gamea.net?session=123). This web page contains information about how to set up the game. (Page 20, paragraph 62). On the other hand, based on the "text/xml" content type and the device hint "Game Device," a game console will receive information about the network address of the other player and some credentials for setting up the session. (Page 20, paragraph 62). In response, the game device prompts the user to start an online game and connects the two players per the user's response. (Page 20, paragraph 62). As such, the actual content of the alert (e.g., the game identifier, network address, and credentials) includes **non-rendered** information (e.g., credentials) for an application (e.g., executing on the game device). (Page 20, paragraph 62). The application takes appropriate action based on the **non-rendered** content (e.g., connecting the game console to the other player's using on the network address). (Page 20, paragraph 62).

Thus, Colson does not anticipate claim 1 because each and every element as set forth in the recited claim is not found, either expressly or inherently in the Colson reference. In light of the foregoing, Applicants submit claim 1 is allowable over the cited art. Claims 2-9 depend from claim 1 and should be allowed for at least the same reasons as claim 1. Additionally, to the extent that independent claims 11, 16, 22, and 26 include subject matter similar to that of claim 1, these independent claims are allowable for at least the same reasons as claim 1. Furthermore, claims 12-15, 17-21, 23-25, and 27-29 depend from claims 11, 16, 22, and 26, respectively, and are allowable for at least the same reasons as the independent claims from which they depend. Applicants thus submit that the rejection of claims 1, 6, 9-11, 15, 16, 18, 20, 21, 26, 27, and 29 under 35 U.S.C. § 102(e) should be removed.

Claim Rejections Under 35 U.S.C. § 103

Claims 2-4, 12-14 and 28 stand rejected under 35 U.S.C §103(a) as being unpatentable over Colson. Claims 2-4, 12-14, and 28 depend from claims 1, 11, and 26. As explained above with respect to 1, 11, and 26, the Colson reference is silent with regard to user device performing an action based on **non-rendered** content data. Writing for the Supreme Court, Justice Anthony Kennedy observed that a patent claim is invalid for obviousness when the invention combines familiar elements according to known methods to produce no more than predictable results. *KSR International Co. v. Teleflex, Inc.* U.S., No. 04-1350, 4/30/07. However, in this rejection, neither the **element** of a content type attribute having a content data attribute associated therewith **storing non-rendered** content data, nor the **result** of **the user device executing an application and the application performing an action based on the non-rendered** content data, is found in the combined art. Advantageously, an application executing on the device can perform an action based on the non-rendered data, which is not disclosed by Colson. Thus, claims 2-4, 12-14 and 28 are allowable and the rejection should be removed.

Claims 5, 17, 19, and 22-25 stand rejected under 35 U.S.C 103(a) as being unpatentable over Colson, in view of U.S Patent No. 6,980,993 to Horvitz et al, (hereinafter, "Horvitz"). The Examiner asserts Horvitz discloses a data packet comprising a device hint. However, Horvitz fails to cure the deficiencies of Colson. For example, nothing in Horvitz shows storing non-rendered content data in a content data attribute, which enables an application to perform an action based on the non-rendered content data. Thus, claims 5, 17, 19, and 23-25, which depend from claims 1, 16, and 22 are allowable and the rejection should be removed. As explained above, claim 22 is allowable for at least the same reasons as claim 1.

Claims 7 and 8 stand rejected under 35 U.S.C 103(a) as being unpatentable over Colson, in view of U.S Pub. App. No. 2004/0181550 to Warsta et al. (hereinafter "Warsta"). The Examiner asserts Warsta discloses a system that retrieves and delivers appropriate content to a device based on the device's capabilities. However, Warsta fails to cure the deficiencies of the cited art. Again, nothing in Warsta shows storing non-rendered content data in a content data attribute, which enables an application to perform an action based on the non-rendered content data. Thus, claims 7 and 8, which depend from claim 1 are allowable and the rejection should be removed.

Applicants submit that the claims are allowable for at least the reasons set forth herein. Applicants thus respectfully submit that the claims as presented are in condition for allowance and respectfully request favorable reconsideration of this application.

Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited aspects of the invention. The fact that Applicants may not have specifically traversed any particular assertion by the Office should not be construed as indicating Applicants' agreement therewith.

Applicants wish to expedite prosecution of this application. If the Examiner deems the application to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the application in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,

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